

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)
)
Plaintiff,)
)
v.) No.: 3:09-CV-498-TAV-HBG
)
MICHAEL L. ROSS, *et al.*,)
)
Defendants.)

ROBERT T. STOOKSBURY, JR.,)
)
Plaintiff,)
)
v.) No.: 3:12-CV-548-TAV-HBG
)
MICHAEL L. ROSS, *et al.*,)
)
Defendants.)

ORDER

These actions are before the Court on the Joint Report and Recommendation from the Settlement Judges (the “R&R”) [Doc. 1423]. No opposition has been filed with respect to the R&R, and the time for doing so has expired. The Court has reviewed the R&R and finds that the proposed settlements discussed therein have been entered into freely and in good faith and that each settlement is fair, adequate, and reasonable. Further, the compromise of the disputed claims will inure to the benefit of the receivership estate, allowing the Court and the receiver to implement an orderly process to promptly liquidate receivership assets and terminate the receivership. The Court thus

APPROVES and **AUTHORIZES** the settlements set forth in the R&R. As a result of this approval and the contents of the R&R, the Court hereby **ORDERS** as follows with respect to *Stooksbury I* (3:09-CV-498-TAV-HBG):

1. the following motions are hereby **REFERRED** to Magistrate Judge H. Bruce Guyton for his consideration and disposition or report and recommendation, as may be appropriate: Twenty-Seventh Application of Receiver for Interim Compensation and Expense Reimbursement [Doc. 1393], Twenty-Eighth Application of Receiver for Interim Compensation and Expense Reimbursement [Doc. 1410], Receiver's Eighth Quarterly Report and Twenty-Ninth Interim Application to Pay Receiver's Fees and Approve Receiver's Attorneys' Fees and Costs [Doc. 1416], Receiver's Motion for Leave to File Document Under Seal [Doc. 1417], Thirtieth Application of Receiver for Interim Compensation and Expense Reimbursement [Doc. 1430];
2. the Joint Motion to Approve Compromise and Settlement of Receiver's Claims Against RPM Assets, LLC and Mitchell E. Jones [Doc. 1411] is **GRANTED**;
3. the Motion to Intervene [Doc. 1300] **shall be DENIED as moot upon notification** of completion of repossession;
4. the following motions are hereby **DENIED as moot**: Plaintiff Robert T. Stooksbury, Jr.'s Motion for a Preclusion Order Against Athena, Doukas, and Ross [Doc. 1032], Receiver's Motion and Memorandum of Law to Enforce the Court's Memorandum Opinion and Order [Doc. 1079], Motion for Clarification [Doc. 1173], Joint Motion to Compromise and Settlement of Receiver's Claim and Approve Transfer of the Rarity Pointe Declarant Rights from the Receiver to Windriver Investments, LLC [Doc. 1231], Receiver's Proposed Liquidation and Distribution Plan [Doc. 1259], Motion to Approve Receiver's Proposed Liquidation and Distribution Plan for the Property Located at 3400 S. Ocean Boulevard SF-1, Palm Beach, Florida 33480 [Doc. 1279], Motion for Expedited Ruling on Motion for Clarification [Doc. 1292], Motion to Intervene [Doc. 1300], Plaintiff Robert T. Stooksbury, Jr.'s Motion to Disallow the Proof of Claim by the IRS [Doc. 1313], Plaintiff Robert T. Stooksbury, Jr.'s Motion for Clarification and Reconsideration to the Extent Necessary [Doc. 1314], Unopposed Motion for Extension to File Response [Doc. 1320], Unopposed Motion for Extension to File Response [Doc. 1342], Plaintiff Robert T. Stooksbury, Jr.'s Motion for an Expedited Ruling on the

Liquidation Plan as it Pertains to the Assets at Rarity Bay Owned by Judgment Debtor Rarity Management Company, LLC [Doc. 1369], and Plaintiff Robert T. Stooksbury, Jr.'s Motion for an Expedited Ruling on the Liquidation Plan as it Pertains to the Lots and Condos at Rarity Bay Owned by Judgment Debtors Tellico Lake Properties, LP, and LRT Properties, Inc. [Doc. 1370];

5. the Reports and Recommendations pertaining to those motions denied as moot are **MOOT** as well [Docs. 1321, 1322, 1323]; and
6. the Report and Recommendation entered on September 24, 2014 [Doc. 1404] is **ACCEPTED IN WHOLE**, the receiver's Seventh Quarterly Report and Twenty-Fifth Interim Application to Pay Receiver's Fees and Approve Receiver's Attorneys' Fees and Costs [Doc. 1330] is **GRANTED**, the receiver is permitted to disburse \$3,557.75 requested as compensation for services and reimbursement for expenses June 2014, and the \$98,803.00 in professional fees and \$153.00 in expenses incurred by Woolf, McLane, Bright, Allen & Carpenter, PLLC is **APPROVED**.¹

With respect to *Stooksbury II* (3:12-CV-548-TAV-HBG), in light of the ongoing negotiations with certain defendants, the Court hereby **ORDERS** a continuation of the stay until further order of the Court, with the exception that plaintiff may file notices of dismissal to effectuate the terms of the settlement agreements.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

¹ The report and recommendation recommends that the receiver's Seventh Quarterly Report and Twenty-Fifth Interim Application to Pay Receiver's Fees and Approve Receiver's Attorneys' Fees and Costs be granted, and there were no timely objections to the report and recommendation. After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling.